

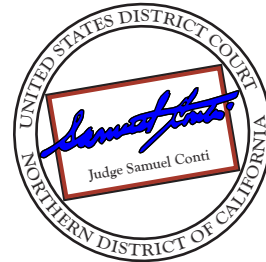
liability under section 846.

V. CONCLUSION

In this case the Court grants Defendant's motion because Plaintiff simply has made no showing that the government consciously failed to act to avoid harm to users of the Golden Gate National Recreation Area. In fact, the government has made a strong showing that it did act to avoid the peril. The government's efforts are sufficient to demonstrate that Plaintiff cannot prevail on the third prong of the willfulness inquiry under the California Recreational Use statute. Accordingly, the Court hereby GRANTS Defendant United States' motion for summary judgment.

IT IS SO ORDERED.

August 15, 2005



UNITED STATES DISTRICT JUDGE